

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CARMEN BLANCO,

CASE NO. 00-6006-CIV-ZLOCH

Plaintiff,

MAGISTRATE JUDGE SELTZER

v.

MICHAEL W. MOORE, Secretary
of the FLORIDA DEPARTMENT
OF CORRECTIONS, in his Official
Capacity, and FLORIDA DEPT. OF
CORRECTIONS,

Defendants.

DOC'S UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant, FLORIDA DEPARTMENT OF CORRECTIONS, by and through its undersigned counsel, and, pursuant to Rule 7.1, hereby files this Unopposed Motion for Extension of Time to file its Reply to Plaintiff's Response to DOC's Motion for Summary Judgment, and as grounds therefore states:

1. Plaintiff served her response to Defendant's motion for summary judgment via mail on September 4, 2001. Defendant's reply memorandum is due to be served on Friday, September 14, 2001.

2. Defendant, Florida Department of Corrections, requests an additional seven (7) day extension of time, up to and including September 21, 2001, to file its

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Reply to Plaintiff's Response to DOC's Motion for Summary Judgment for the following reasons:

- a. The undersigned had all day depositions this week.
- b. Additionally, our offices were closed on Tuesday, September 11, 2001 after the terrorist attacks due to bomb threats.
- c. The undersigned has been unable to conduct to draft the reply and needs additional time to prepare an adequate response.

3. The undersigned counsel has contacted counsel for Plaintiff, Andrew Henschel, regarding the Defendant's request for an extension of time to file its Reply, and Plaintiffs' counsel had advised that he will not object to the granting of the requested extension.

4. The Plaintiff will not be prejudiced by the granting of this relief.

WHEREFORE, based upon the grounds set forth above, Defendant, FLORIDA DEPARTMENT OF CORRECTIONS, respectfully requests this Court to enter an order granting the Defendant a seven (7) day extension of time, up to and including September 21, 2001, to file its Reply to Plaintiff's Response to DOC's Motion for Summary Judgment.

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MEMORANDUM OF LAW

Fed.R.Civ.P. 16(b) gives the district court judge the authority to enter scheduling orders for the efficient administration of the court's resources. The district judge also has broad discretion in overseeing the pretrial process and modifying its own orders when justice so requires.

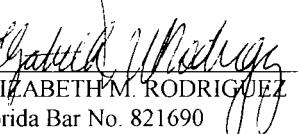
Rule 16, of the Federal Rules of Civil Procedure, permitting pretrial procedures, can achieve its purpose of improving the quality of justice only if the pretrial requirements entered at the discretion of the trial court are applied with intelligent flexibility, taking into full consideration the exigencies of each situation. The trial judge must be permitted wide latitude in guiding a case through its preparatory stages. His decision as to the extent that the pretrial activity should prevent the introduction of otherwise competent and relevant testimony at trial must not be disturbed unless it is demonstrated that he has clearly abused the broad discretion vested in him by Rule 16.

Davis v. Duplantis, 448 F.2d 918, 921 (5th Cir. Cir. 1971); Travelers Insurance Co. v. Dykes, 395 F.2d 747 (5th Cir. 1968). The parties will not be prejudiced by the extension of time.

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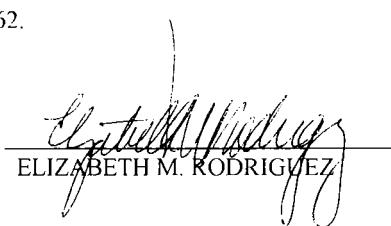
Respectfully submitted,

KUBICKI DRAPER
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By: 
ELIZABETH M. RODRIGUEZ
Florida Bar No. 821690

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Unopposed Motion for Extension of Time was sent by U.S. Mail this 14 day of September, 2001, to: ANDREW S. HENSCHEL, ESQ., Henschel and Henschel, P.A., 951 NE 167 Street, Suite 205, North Miami Beach, FL 33162.


ELIZABETH M. RODRIGUEZ

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ORDER

THIS CAUSE, having come before the Court upon Defendant DOC's Unopposed Motion for Extension of Time to file its Reply to Plaintiff's Response to DOC's Motion for Summary Judgment, and the Court having considered same, and being fully advised in the premises, it is

ORDERED AND ADJUDGED that Defendant DOC's Unopposed Motion for Extension of Time to file Reply to Plaintiffs' Response to DOC's Motion for Summary Judgment is hereby GRANTED. Defendant DOC shall have up to and including September 21, to file a reply memorandum in support of its motion for summary judgment.

ENTERED this _____ day of _____, 2001.

UNITED STATES DISTRICT COURT JUDGE